

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

ALFRED N. SINK, JR.,

Plaintiff,

v.

EUDLOGI RODRIGUEZ

and

RUSSELL TRANSPORT, INC.,

Defendants.

Civil Action No. 5:17-cv-00015

ANSWER OF EUDLOGI RODRIGUEZ AND RUSSELL TRANSPORT, INC.

COME NOW the defendants, Eudlogi Rodriguez and Russell Transport, Inc. (hereinafter “defendants”), by counsel, and file this their Answer to the plaintiff’s Complaint filed herein.

1. That the defendants lack sufficient knowledge or information at this time to permit them to admit or deny the allegations contained in numbered paragraph 1 of the plaintiff’s Complaint and therefore must deny same and demand strict proof thereof.

2. That the defendants admit the allegations in numbered paragraph 2 of the plaintiff’s Complaint that at the time, and at all other relevant times hereto, that Eudlogi Rodriguez was a resident and domiciliary of the State of Texas.

3. That the defendants admit the allegations in numbered paragraph 3 of the plaintiff’s Complaint that at the time, and at all other relevant times hereto, that Eudlogi Rodriguez was driving a tractor trailer owned by Russell Transport, Inc., while in the course and scope of his employment with Russell Transport, Inc.

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4. That the defendants admit that the duties contained in numbered paragraph 5 of the plaintiff's Complaint apply equally to the plaintiff, Alfred N. Sink, Jr., and the defendant, Eudlogi Rodriguez, regarding the operation of their respective vehicles on the highways and/or interstates in the Commonwealth of Virginia.

5. That the defendants deny the allegations contained in numbered paragraph 6 of the plaintiff's Complaint and demand strict proof thereof.

6. That the defendants deny the allegations contained in numbered paragraph 7 (a) through (h) of the plaintiff's Complaint and demand strict proof thereof.

7. That the defendants deny the allegations contained in numbered paragraph 8 of the plaintiff's Complaint and demand strict proof thereof.

8. That the defendants deny the allegations contained in numbered paragraph 9 of the plaintiff's Complaint and demand strict proof thereof.

9. That the defendants deny the allegations contained in numbered paragraph 10 of the plaintiff's Complaint and demand strict proof thereof.

10. That the defendants lack sufficient knowledge or information at this time to permit them to admit or deny the allegations contained in numbered paragraph 11 of the plaintiff's Complaint and demand strict proof thereof.

AFFIRMATIVE AND OTHER DEFENSES

11. That the defendants deny any liability to the plaintiff for the amount alleged in the plaintiff's Complaint or for any other sum whatsoever.

12. That the defendants deny being guilty of any act or omission that was a proximate cause of the accident alleged in the plaintiff's Complaint.

13. That the defendants deny being guilty of any act or omission that was a proximate cause of all or any portion of the damages and/or injuries the plaintiff alleges to have sustained as a result of the accident alleged in the plaintiff's Complaint.

14. That the defendants deny the plaintiff was injured and damaged to the extent and with the consequences alleged in the Complaint and, therefore, call upon the plaintiff for strict proof of all alleged damages.

15. That the defendants reserve the right to seek leave of Court to amend this Answer to allege and assert any and all other defenses available to them, whether at law or in equity, should evidence supporting such defense be developed during the course of discovery or at trial.

16. That the defendants deny all allegations in the plaintiff's Complaint not expressly admitted herein.

17. That the defendants demand a trial by jury.

EUDLOGI RODRIGUEZ and
RUSSELL TRANSPORT, INC.

By: /s/ Daniel P. Frankl
Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of February, 2017, the undersigned counsel hereby certifies the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing Answer to John F. Pyle, Crandall & Katt, 366 Elm Avenue, S.W., Roanoke, Virginia 24016, counsel for the plaintiff.

/s/ Daniel P. Frankl
Of Counsel

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